

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 3, California Code of Regulations

Adopt sections:

Amend sections: 3437(b)

Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION

Government Code Sections 11346.1 and
11349.6

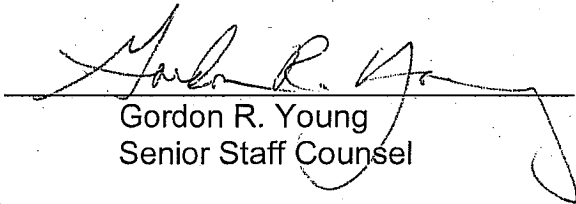
OAL File No. 2011-0609-01 E

This emergency action amends the recently established European Grapevine Moth (EGVM) Interior Quarantine in Nevada County by adding approximately 73 square miles in the Nevada City area. The proposed amendment merges the new quarantine area with the existing regulated area in the Grass Valley area. The total regulated area in Nevada County will be approximately 176 square miles and the total regulated area in the State will be approximately 2,247 square miles.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 6/15/2011 and will expire on 12/13/2011. The Certificate of Compliance for this action is due no later than 12/12/2011.

Date: 6/15/2011


Gordon R. Young
Senior Staff Counsel

For: DEBRA M. CORNEZ
Assistant Chief Counsel/Acting Director

Original: Karen Ross
Copy: Stephen S. Brown

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

EMERGENCY

See instructions on reverse)

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2011-0609-01E
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For use by Office of Administrative Law (OAL) only

2011 JUN -9 PM 1:37

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Food and AgricultureAGENCY FILE NUMBER (if any)
PH11021

For use by Secretary of State only

ENDORSED FILED
IN THE OFFICE OF

2011 JUN 15 PM 1:17


 DEBRA BOWEN
 SECRETARY OF STATE
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) European Grapevine Moth Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3437(b)
	REPEAL
TITLE(S) 3	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only
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4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
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7. CONTACT PERSON Stephen S. Brown	TELEPHONE NUMBER (916) 654-1017	FAX NUMBER (Optional) (916) 654-1018	E-MAIL ADDRESS (Optional) sbrown@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 6/7/11
TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Finance and Administration	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 15 2011

Office of Administrative Law

In Title 3, Division 4, Chapter 3, amend Section 3437 to read:

Section 3437. European Grapevine Moth Interior Quarantine.

A quarantine is established against the following pest, its hosts and possible carriers.

(a) Pest. European Grapevine Moth (*Lobesia botrana*).

(b) Area Under Quarantine.

(1) In Fresno County. [Continued]

(2) In Mendocino County. [Continued]

(3) In the County of Merced; in the Snelling area: [Continued]

(4) In Lake, Napa, Solano and Sonoma counties. [Continued]

(5) In Nevada County, in the Grass Valley area: Beginning at the intersection of Mooney Flat Rd and Iris Lee Ln; then starting northeasterly along said lane to its northern most point; then, northeasterly along an imaginary line to its intersection with the shoreline of Englebright Reservoir at 39.254983 latitude and -121.256718 longitude; then, starting easterly along said shoreline to its intersection with Pleasant Valley Rd at 39.292585 latitude and -121.193700 longitude; then, starting northeasterly along said road to its intersection with Cliff Rd; then, starting easterly along said road to its intersection with Birchville Rd; then, starting easterly along said road to its intersection with Miser Rd; then, starting southeasterly along said road to its intersection with Reader Ranch Rd; then, starting southerly along said road to its intersection with State Hwy 49; then, starting southeasterly along said highway to its intersection with 39.294922 latitude and -121.093577; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Bodie Ridge Rd; then, starting easterly along said road to its intersection with Cement Hill Rd; then, easterly along said road to its intersection with Diamond Oaks Dr; then, starting southerly along said drive to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Crooked Arrow Ln; then, starting southeasterly along said lane to its intersection with State Hwy 49; then, southeasterly along said highway to its intersection with Old Downieville Hwy; then, southeasterly along said highway to its intersection with Cedro Rd; then, southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to the northern most point of Deer Creek Ln; then, starting

~~southerly along said lane to its intersection with Marjon Dr; then, starting southwesterly along said drive to its intersection with Ridge Rd; then, starting easterly along said road to its intersection with State Hwy 20; then, southwesterly along said highway to its intersection with Dorsey Dr; then, starting southeasterly to its intersection with Sutton Way; then, southwesterly along said way to its intersection with Idaho Maryland Rd; then, southwesterly along said road to its intersection with Centennial Dr; then, starting southeasterly along said drive to its intersection with Whispering Pine Ln; then, southeasterly along said lane to its intersection with E Bennett Rd; then, southwesterly along said road to its intersection with Lava Rock Ave; then, southeasterly along said avenue to its intersection with Slow Poke Ln; then, southerly along said lane to its southern most point; then, southwesterly along an imaginary line to its intersection with the eastern most point of Gold Hill Dr; then, northwesterly along said drive to its intersection with Copper Dr; then, starting southwesterly along said drive to its intersection with Silver Way; then, southwesterly along said way to its intersection with State Hwy 174; then, starting southeasterly along said highway to its intersection with Osborne Hill Rd Reader Ranch Rd; then, northeasterly along said road to its intersection with State Hwy 49; then, starting southerly along said highway to its intersection with Milhous Dr; then, starting northeasterly along said drive to its intersection with Murphy Rd; then, starting southeasterly along said road to its intersection with Purdon Rd; then, starting northerly along said road to its intersection with Miller Rd; then, starting northeasterly along said road to its eastern most point; then, easterly along an imaginary line to its intersection with the western most point of Placer Diggings Rd; then, starting northeasterly along said road to its eastern most point; then, easterly along an imaginary line to its intersection with the boundary line of Malakoff Diggings St Hist Park at 39.331774 latitude and -120.985244 longitude; then, starting southerly along said boundary line to its intersection with 39.324595 latitude and -120.955888 longitude; then, southeasterly along an imaginary line to its intersection with Hawkeye Ln and Miners Landing Rd; then, southeasterly along said road to its intersection with Barn Hollow Rd; then, starting southerly along said road to its intersection with an unnamed road; then, starting northeasterly along said road to its intersection with Rock Creek Rd; then, starting southwesterly along said road to its intersection with 39.301053 latitude and~~

-120.928814 longitude; then, easterly along an imaginary line to its intersection with an unnamed road at 39.301694 latitude and -120.918096 longitude; then, starting southerly along said road to its intersection with Scotts Flat Pines Rd; then, starting southwesterly along said road to its intersection with Scotts Flat Rd; then, starting southeasterly along said road to its eastern most point; then, southeasterly along an imaginary line to its intersection with northwestern most point of Lake Ln; then, starting southeasterly along said lane to its intersection with Spanish Ln; then, starting southerly along said lane to its intersection with Pasquale Rd; then, southerly along said road to its intersection with Banner Quaker Hill Rd; then, then, starting northeasterly along said road to its intersection with Gas Canyon Rd; then, starting southeasterly along said road to its southern most point; then, southeasterly along an imaginary line to its intersection with Greenhorn Creek at 39.243120 latitude and -120.904334 longitude; then, starting southeasterly along said creek to its intersection with You Bet Rd; then, starting northwesterly along said road to its intersection with State Hwy 174; then, starting northwesterly along said highway to its intersection with Laws Ranch Cross Rd; then, southwesterly along said road to its intersection with Lower Colfax Rd; then, starting southwesterly~~northerly~~ along said road to its intersection with Brooks Rd; then, starting southwesterly along said road to its intersection with Osborne Hill Rd; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Amsel Way; then, starting southwesterly along said way to its intersection with La Barr Meadows Rd; then, starting southeasterly along said road to its intersection with Four Seasons Trl; then, starting westerly along said trail to its intersection with State Hwy 49; then, starting northeasterly along said highway to its intersection with Crestview Dr; then, starting southwesterly along said drive to its intersection with Wolf Hollow Rd; then, southerly along said road to its intersection with Little Way; then, southwesterly along said way to its southwestern most point; then, southwesterly along an imaginary line to its intersection with Harrison Way; then, southwesterly along said way to its intersection with Jasper Ln; then, starting southwesterly along said lane to its intersection with Allison Ranch Rd; then, southerly along said road to its intersection with Empire Star Mine Rd; then, starting westerly along said road to its intersection with 39.175207 latitude and -121.075008 longitude; then, southwesterly along an imaginary line to its

intersection with Godfrey Ln and Auburn Rd; then, starting southwesterly along said lane to its intersection with Sunken Bridge Rd; then, starting southwesterly along said road to its intersection with Luckie Rd; then, starting southwesterly along said road to its northwestern most point; then, southwesterly along an imaginary line to its intersection with Sutherland Dr and Wolf Mountain Rd; then, starting westerly along said drive to its intersection with Oak Hill Rd; then, starting southerly along said road to its western most point; then, southwesterly along an imaginary line to its intersection with Retrac Way and Ridgeback Ln; then, northwesterly along said lane to its intersection with an unnamed road at 39.152927 latitude and -121.134147 longitude; then, westerly along an imaginary line to its intersection with the eastern most point of Parsons Dr; then, starting northwesterly along said drive to its intersection with Oak Meadow Rd; then, starting northwesterly along said road to its intersection with Big Oaks Dr; then, starting northerly along said drive to its intersection with Melody Rd; then, starting northerly along said road to its intersection with State Hwy 20; then, starting southwesterly along said highway to its intersection with Mooney Flat Rd then, starting northwesterly along said road to the point of beginning.

(6) In San Joaquin County. [Continued]

(7) In Santa Clara County. [Continued]

(c) [Continued]

(d) [Continued]

Note: Authority: Sections 407 and 5322, Food and Agricultural Code

Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code

June 2, 2011